

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Kristin Worth, Austin Dye, Axel Anderson,
Minnesota Gun Owners Caucus, Second
Amendment Foundation, and Firearms
Policy Coalition, Inc.,

Case No. 0:21-CV-01348 (KMM-LIB)

Plaintiffs,

vs.

John Harrington, in his individual capacity
and in his official capacity as
Commissioner of the Minnesota
Department of Public Safety, et al.,

Defendants.

EXHIBIT 1

**DECLARATION OF AMANDA PRUTZMAN
IN SUPPORT OF DEFENDANT JOHN HARRINGTON'S
MEMORANDUM OF LAW IN OPPOSITION TO PLAINTIFF'S
MOTION FOR SUMMARY JUDGMENT**

1 And, of course, that's all in the
 2 context of a hypothetical that's completely
 3 ahistorical because we all know that in a
 4 predominantly -- sorry, an agrarian society
 5 in the Eighteenth Century, owning firearms
 6 for at least those living in agrarian rural
 7 America would have been pretty much
 8 essential to, you know, rid their fields of
 9 pests, put dinner on the table, and, of
 10 course, to deal with the almost omnipresent
 11 threat of Indian warfare.

12 So, again, you know, one of the
 13 problems -- and actually, you know, what's
 14 fascinating is the Brief that your firm did
 15 in Jones, which I'm a huge fan of, talks
 16 about the problem of trying to do
 17 originalism without a textualized
 18 understanding of the complexity and
 19 realities of the 18th Century.

20 And I think your question speaks
 21 beautifully to that problem because you're
 22 sort of isolating a hypothetical, and in the
 23 process of identifying the hypothetical,
 24 you're, essentially, saying, let's imagine a
 25 situation where we're in the 18th Century

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1 acquire firearms?

2 A. Well, as I point out in the report, the
 3 basic problem in the Founding Era is there
 4 are not enough guns to go around, not too
 5 many guns.

6 So the question of, you know, why
 7 aren't their guns -- why aren't their modern
 8 style gun control laws, sort of, again,
 9 violates the principle that you and Haley
 10 articulate so beautifully in that Brief,
 11 that if one is doing originalism rigorously,
 12 one needs to understand the texture of the
 13 past, not just the meaning of the words in a
 14 kind of decontextualized fashion.

15 Q. Right. And I'm not asking for an
 16 explanation. I'm just asking for a
 17 yes-or-no answer.

18 So, I mean, there were no laws in
 19 the Founding Era making it unlawful for
 20 18-to-20 year olds to acquire firearms,
 21 correct?

22 A. Well, that sort of reminds me of the law
 23 that was enacted in France in a famous
 24 wine-producing region that forbid flying
 25 saucers from landing in the vineyards.

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1 but nothing about the 18th Century is
 2 relevant anymore.

3 Well, I mean, that's kind of an odd
 4 way to understand what something actually
 5 meant to people who lived in the Eighteenth
 6 Century; wouldn't you agree?

7 Q. Well, I'm only -- I believe only changing
 8 one variable. So, let's say, in the Militia
 9 Act of 1792 Congress had said, instead of 18
 10 you have to buy a gun, and 24 you have to
 11 buy a gun and join the militia?

12 A. Right.

13 Q. So, then, for purposes of just the Second
 14 Amendment, not any other source of law --

15 A. Yeah.

16 Q. -- or rights, persons under 24 would have no
 17 Second Amendment rights in your view; is
 18 that correct?

19 A. I think that's right, but, you know, I would
 20 want to, probably, before I definitively
 21 pronounce -- think through it, but that
 22 sounds right to me, at least on first
 23 glance.

24 Q. Would there be laws in the Founding Era
 25 making it unlawful for 18-to-20 year olds to

1 And, you know, I'm sure under
 2 French law that was perfectly legal, but
 3 it's a kind of law that's not very useful in
 4 terms of understanding what was the real
 5 danger of flying saucers interfering with
 6 French wine production in the 1950s?

7 Q. So I take it there were no such laws in the
 8 Founding Era, correct?

9 A. It's a bad question because it doesn't --
 10 you know, you have to ask a question that's
 11 grounded in the actual history.

12 So a question like that,
 13 unfortunately, rests on a poorly articulated
 14 set of assumptions about what the reality of
 15 firearms ownership was in the Eighteenth
 16 Century.

17 So, yes, given that there was a
 18 shortage of firearms, and government policy
 19 was aimed to increase firearm production,
 20 passing laws against acquiring firearms
 21 wouldn't have made a whole lot of sense.

22 Q. Right. And, you know, I'm not articulating
 23 any theory, you're the historian, I'm asking
 24 you a factual question about history.

25 And so, the answer is there were no